IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11104 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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JIGAR MUKESHCHANDRA MODI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 11104 of 2000

M/S THAKKAR ASSOC. for Petitioner No. 1

Mr. HL Jani, AGP for Respondent No. 1-3

MS PJ DAVAWALA for Respondent No. 4

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 21/06/2001

ORAL JUDGEMENT

Heard learned advocate Ms. Pahwa for the petitioner and learned AGP Mr. Jani for the respondents no.1 to 3 and Ms. Davawala, learned Additional Counsel for the respondent NO.4.

In this petition, impugned order of detention dated 5th October, 2000 passed under the provisions of the Prevention of Black Marketing and Maintenance of Essential Supplies Act, 1980 is under challenge.

Learned AGP Mr. Jani has made a statement before this court that the duration of the impugned order dated 5.10.2000 of detention passed against the petitioner under the provisions of the Prevention of Black Marketing and Maintenance of Essential Supplies Act, 1980 has become over and the petitioner has already been released on 4th April, 2001. and, therefore, the present petition is not surviving. Therefore, considering the said statement made by Mr. Jani, according to my opinion, since the order of detention is not remaining in force, this petition is required to be disposed of without examining legality, validity and propriety of the impugned order of detention as the duration of detention as per the order has already expired and the petitioner has already been released from the detention. Therefore, this petition is ordered to be disposed of as having become infructuous. Rule is discharged. No order as to costs.

21.6.2001. (H.K. Rathod,J.)

Vyas